

PATENT  
81754.0021

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kazunobu KUWAZAWA

Serial No: 09/544,392

Filed: April 6, 2000

For: SEMICONDUCTOR DEVICE AND  
METHOD FOR MANUFACTURING  
THE SAME

Art Unit: 2814

Examiner: FLYNN, N.

**RESPONSE TO RESTRICTION  
REQUIREMENT AND PRELIMINARY  
AMENDMENT**Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**Election and Traverse**

In response to the Restriction Requirement dated August 27, 2001, the applicant elects for prosecution the species of Figs. 1-10 (first embodiment), on which claims 1-50 are readable. This election is with traverse.

The applicant submits that the species of Figs. 11-12 (second embodiment) and Fig. 13 (third embodiment) are not distinct from the species of the first embodiment, because generic claims 1 and 2 read on all three embodiments. With respect to the second embodiment, as described on page 29, lines 6-8 of the specification, the second embodiment is similar to the first embodiment, except that in the second embodiment, a silicon oxide film 57 formed by a thermal oxidation is provided, as opposed to the silicon oxide 47 formed by a CVD method in the first embodiment. These different features are claimed in at least claims 8 and 10, reciting thermal oxide and CVD oxide, respectively. Claims 8 and 10 both depend

I hereby certify that this paper and every paper referred to herein is being transmitted via facsimile to:	
Examiner Flynn, N. Art Unit 2826, USPTO at (703) 308-5389 on:	
<u>September 27, 2001</u>	
Date of Deposit	
Erin P. Madill, Reg. No. 46,893	
Name	
<u>Erin P. Madill</u>	<u>September 27, 2001</u>
Signature	Date